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EXAMINER	
MYERS, CARLA J	
ART UNIT	**PAPER NUMBER**
1634	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/786,720	O'TOOLE ET AL.	
	Examiner	Art Unit	
	Carla Myers	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-20* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

RESTRICTION

1. Prior to setting forth the restriction requirement, it is pointed out that Applicants have presented the claims in improper Markush format. See Ex parte Markush, 1925 C.D. 126 and In re Weber, 198 USPQ 334. The claims are improperly joined as the claimed methods require the use and detection of distinct target molecules. A reference against one target molecule would not be a reference against the other target molecule. Therefore, the restriction will be set forth for each of the various groups, irrespective of the improper format of the claims, because the claims do not recite proper species. Upon election, Applicants are required to amend the claims to set forth only the elected inventive groups.

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-9, 19 and 20, drawn to methods of detecting expression profiles by assaying nucleic acid levels, protein levels or protein activity, classified in Class 435, subclass 4, 6, 7.1 or 183.

II. Claims 10 and 11, drawn to pharmaceutical compositions comprising a protein, classified in Class 530, subclass 350.

III. Claims 10 and 11, drawn to pharmaceutical compositions comprising a polynucleotide, classified in Class 536, subclass 23.5.

IV. Claim 12, drawn to a method of treatment by administering a protein, classified, for example, in Class 514, subclass 12.

V. Claim 12, drawn to a method of treatment by administering a polynucleotide, classified, for example, in Class 514, subclass 44.

VI. Claims 13-15 and 17, drawn to a pharmaceutical composition comprising an agent that binds to a protein or modulates the activity of a protein, classified in Class 530, subclass 387.1.

VII. Claim 16, drawn to a method of treatment using an agent that modulates the activity of a protein or that binds to a protein, classified in Class 514, subclass 1 (further classification cannot be determined without additional information regarding the structure of the agent).

VIII. Claim 18, drawn to a kit that contains both a nucleic acid and an antibody, classified in Class 536, subclass 23.1 and Class 530, subclass 387.1.

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II, I and III, I and VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case, the pharmaceutical compositions of inventions II, III and VI are not required to practice the detection method of invention I.

Inventions I, IV, V, and VII are drawn to patentably distinct methods requiring the use of different reagents, involving different method steps and having different objectives or outcomes. In particular, the method of invention I requires an expression profile from a subject and a reference expression profile and involves comparing the expression profile of a subject to a reference profile in order to achieve the outcome of identifying a differentially expressed gene. Invention IV requires the use of a pharmaceutical comprising a protein and involves administering the protein to a subject.

Invention V requires the use of a pharmaceutical comprising a polynucleotide and involves administering the polynucleotide to a subject. Invention VII requires the use of a pharmaceutical composition that modulates expression of a gene and involves administering this composition to a patient. Accordingly, the methods are patentably distinct from one another.

Inventions I and VIII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case, the methods of invention I do not require the kits containing both nucleic acids and antibodies. Further, the kits containing nucleic acids and antibodies can be used in materially distinct methods, such as the nucleic acids can be used in methods for synthesizing nucleic acids or peptides and the antibodies can be used in methods for isolating peptides.

Inventions II, III, VI and VIII are drawn to patentably distinct products having different structural properties and effects. Invention II is drawn to pharmaceutical compositions comprising proteins, invention III is drawn to pharmaceutical compositions comprising nucleic acids, invention VI is drawn to pharmaceutical compositions comprising a modulator of a protein, such as an antibody, and invention VIII is drawn to kits comprising nucleic acid probes and antibodies. Nucleic acids are composed of nucleotides and proteins are composed of amino acids. Accordingly, these compounds are independent and distinct from one another due to their diverse chemical structure, their expected different chemical properties, modes of action, different effects and

reactive conditions. Furthermore, the products are utilized in different methodologies, such that nucleic acids may be utilized to bind to and inhibit the expression of a gene, while proteins may be utilized in ligand binding assays or to generate antibodies. Synthesis of the proteins of invention III do not require the particular products of the nucleic acids of invention II since the proteins of invention III can be isolated from natural sources or chemically synthesized. The pharmaceutical compositions of invention III comprising nucleic acids and the pharmaceutical compositions of invention VI comprising antibodies differ in their structure, function and effect. While the nucleic acids of invention I consist of nucleotides, the antibodies of invention VIII encompass 2 heavy chains and 2 light chains containing constant and variable regions, including framework regions which act as a scaffold for the 6 CDRs that function to bind an epitope. The nucleic acids and antibodies also have different functional properties and can be utilized in different methodologies. The proteins and antibodies differ in their primary amino acid sequence and in the secondary and tertiary structures. While the protein of invention II is a single chain molecule, the antibody of invention III encompasses 2 heavy chains and 2 light chains containing constant and variable regions, including framework regions which act as a scaffold for the 6 CDRs that function to bind an epitope. The proteins and antibodies also have different functional properties and can be utilized in different methodologies. Synthesis of the antibodies of inventions VI does not require the particular products of the proteins of inventions II since the antibodies can be isolated from natural sources or chemically synthesized. Further, antibodies which bind to an epitope of the protein of invention II may be known

even if the protein is novel. While the claims of invention II, III and VI do not define the proteins, polynucleotides or modulators with respect to any particular structure, the nucleic acid probes and antibodies present in the kit of invention VIII appear to differ from the pharmaceutical compositions comprising polynucleotides such as ribozymes and RNA interference molecules in both their structure and effect.

Inventions II and IV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. 806.05(h)). In the instant case, the proteins invention II can be used in a materially different process, such as for synthesizing antibodies.

Inventions II and V and II and VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case, the pharmaceutical compositions comprising polypeptides of invention II are not required to practice the methods of inventions V and VII.

Inventions III and V are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. 806.05(h)). In the instant case, the nucleic

acids of invention III can be used in a materially different process, such as for in vitro screening assays.

Inventions III and IV and III and VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case, the pharmaceutical compositions comprising nucleic acids of invention III are not required to practice the methods of inventions IV and VII.

Inventions VI and VII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (M.P.E.P. 806.05(h)). In the instant case, the antibodies of invention VI can be used in a materially different process, such as for isolating proteins.

Inventions VI and IV and VI and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case, the pharmaceutical compositions of invention VI are not required to practice the methods of inventions IV and V.

Inventions VIII and IV, VIII and V and VIII and VII are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and

they have different modes of operation, different functions, or different effects (MPEP 806.04, MPEP 808.01). In the instant case, the kits of invention VIII are not required to practice the therapeutic methods of inventions IV, V and VII.

4. These inventions are distinct for the reasons given above and have acquired a different status in the art as demonstrated by their different classification and recognized divergent subject matter. Further, inventions I-VIII require different searches that are not co-extensive. For instance, a literature and sequence search for the nucleic acids of invention III is not co-extensive with a literature and sequence search for the proteins of invention II or the modulators of expression of invention VI or the kits of invention VIII or a search for the methods of inventions I, IV, V, and VII. Additionally, a search for each of the methods of inventions I, IV, V and VII is not co-extensive with one another. Further, a finding that the method of invention I is anticipated or obvious over the prior art would not necessarily extend to a finding that the method of inventions IV, V and VII were also anticipated or obvious over the prior art. Similarly, a finding that the method of invention I is novel and unobvious over the prior art would not necessarily extend to a finding that the methods of invention IV, V and VII are also novel and unobvious over the prior art. Accordingly, examination of these distinct inventions would pose a serious burden on the examiner and therefore restriction for examination purposes as indicated is proper.

5. **Further, should Applicants elect invention I, this group is subject to an additional restriction requirement as follows.**

Claims 4 and 5 are subject to an additional restriction since these claims are not considered to recite a proper genus/Markush group.

Specifically, claims 4 and 5 claim the detection of distinct nucleic acids selected from the nucleic acids recited in Table 1 and Table 5b. Each of these genes consists of a distinct nucleic acid sequence, has a different melting point, binds to a different nucleic acid sequence, and encodes for a protein having a different biological activity. Given the differences in structure and function, the Markush group set forth in claims 4 and 5 is not considered to constitute a proper genus, and therefore is subject to a further restriction requirement. A sequence search and non-patent literature search of these sequences would not be co-extensive with one another. For example, a search for the nucleic acid sequence of FRG1 would not be coextensive with a search of the nucleic acid sequence of EPRS. Further, a reference which renders obvious or non-novel methods for detecting the expression of FRG1 would not also necessarily render obvious or non-novel methods for detecting the expression of EPRS. Similarly, a finding that methods for detecting the expression of FRG1 is novel and unobvious over the prior art would not necessarily extend to a finding that methods for detecting the expression of EPRS are also novel and unobvious over the prior art. Accordingly, a search of more than one of the genes as claimed in claims 1 4 and 5 presents undue burden on the Patent and Trademark Office due to the complex nature of the search and the corresponding examination of more than one of the claimed sequences.

Accordingly, **Applicants are required to elect gene or one combination of gene selected from the group of genes set forth in Table 1 and Table 5b.** Note that this is not a species election.

Further, invention I encompasses the detection of distinct target molecules, selected from polynucleotides, proteins and protein activity. Each of these methods is distinct from one another in the use of the reagents required to perform the method and the method steps that are performed. Methods which detect expression patterns by assaying for polynucleotides are patentably distinct from methods which detect expression patterns by assaying for proteins or for protein activity. Additionally, the search for methods which detect expression patterns by assaying for polynucleotides is not co-extensive with the search for methods which detect expression patterns by assaying for proteins or for protein activity. In response to this Office action, **Applicant is required to elect methods which detect either polynucleotides, proteins or protein activity.**

Claims 1-3 and 6-9 link the individual sequences of claims 4 and 5, each sequence comprising a distinct invention as outlined above. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s). Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a

continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.0.

6. **Further, should Applicants elect invention II or III, this group is subject to an additional restriction requirement as follows.**

Claim 11 is subject to an additional restriction since these claims are not considered to recite a proper genus/Markush group.

Specifically, claim 11 claims pharmaceutical compositions comprising the polypeptides encoded by the genes of Table1 (invention II) and pharmaceutical compositions comprising the genes of Table 1 (invention III). Each of these genes consists of a distinct nucleic acid sequence, has a different melting point, binds to a different nucleic acid sequence, and encodes for a protein having a different biological activity. Given the differences in structure and function, the Markush group set forth in claim 11 is not considered to constitute a proper genus, and therefore is subject to a further restriction requirement. A sequence search and non-patent literature search of these sequences would not be co-extensive with one another. For example, a search for the amino acid sequence of FRG1 would not be coextensive with a search of the amino acid sequence of EPRS. Further, a reference which renders obvious or non-novel FRG1 proteins would not also necessarily render obvious or non-novel EPRS proteins. Similarly, a finding that FRG1 proteins are novel and unobvious over the prior

art would not necessarily extend to a finding that EPRS proteins are also novel and unobvious over the prior art. Accordingly, a search of more than one of the genes of invention III or more than one of the proteins of invention II, as claimed in claim 11 presents undue burden on the Patent and Trademark Office due to the complex nature of the search and the corresponding examination of more than one of the claimed sequences. Accordingly, with respect to invention II, Applicants are required to elect one protein selected from the proteins encoded by the genes of Table 1 and with respect to invention III, Applicant is required to elect one of the genes selected from the group of genes set forth in Table 1. Note that this is not a species election.

Claim 10 links the individual sequences of claim 11, each protein and gene sequence comprising a distinct invention as outlined above. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s). Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.0

7. **Further, should Applicants elect invention VI or VII, this group is subject to an additional restriction requirement as follows.**

Claims 14, 15, and 17 (with respect to invention VI) and claim 16 (with respect to invention VII) are subject to an additional restriction since these claims are not considered to recite a proper genus/Markush group.

Specifically, the claims are drawn to distinct molecules selected from the group consisting of i) polynucleotides that inhibit expression by antisense or RNA interference mechanisms; ii) antibodies; iii) undefined chemical compounds that inhibit biological activity. Each of these types of molecules differ from one another with respect to their chemical structure, activity and effect. Further, the claims encompass polynucleotides and siRNAs directed to any one of the genes set forth in Table 3. Each of the genes set forth in Table 3 have a different nucleic acid sequence, has a different melting point, binds to a different nucleic acid sequence, and encodes for a protein having a different biological activity. Given the differences in structure and function, the Markush group set forth in claims 14, 15 and 17 are not considered to constitute a proper genus, and therefore is subject to a further restriction requirement. A sequence search and non-patent literature search of these distinct chemical compounds and genes would not be co-extensive with one another. Further, a reference which renders obvious or non-novel one of the chemical structures or genes would not also necessarily render obvious or non-novel the other chemical structures or genes. Accordingly, a search of more than one of the chemical compounds and genes of Table 3 presents undue burden on the

Patent and Trademark Office due to the complex nature of the search and the corresponding examination of more than one of the claimed sequences.

Accordingly, Applicant is required to elect:

a) one agent selected from i) polynucleotides that inhibit expression by antisense or RNA interference mechanisms; ii) antibodies; iii) undefined chemical compounds that inhibit biological activity.

b) one gene selected from the genes set forth in Table 3.

Note that this is not a species election.

Claim 13 links the individual agents and genes of claims 14-17, each protein and gene sequence comprising a distinct invention as outlined above. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s). Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.0

8. **Sequence Election Requirement Applicable to Invention VIII**

Claim 18 has been presented in improper Markush format, as distinct products are improperly joined by the claim. Claim 18 is drawn to kits comprising a polynucleotide that hybridizes to one of SEQ ID NO: 1-29 and antibodies that bind to a polypeptide selected from SEQ ID NO: 30-57. Each of the nucleic acids consists of a different nucleotide sequence, has a different melting temperature and a different specificity of hybridization. For example, an polynucleotide comprising SEQ ID NO: 1 is chemically, structurally and functionally distinct from an polynucleotide comprising SEQ ID NO: 2. A search for a polynucleotide comprising SEQ ID NO: 1 would not be co-extensive with a search for a polynucleotide comprising SEQ ID NO: 2. Further, a finding that a polynucleotide comprising SEQ ID NO: 1, for example, is novel and unobvious over the prior art would not necessarily extend to a finding that a polynucleotide comprising SEQ ID NO: 13 is also novel and unobvious over the prior art. Similarly, a finding that a polynucleotide comprising SEQ ID NO: 1 is anticipated or obvious over the prior art would not necessarily extend to a finding that a polynucleotide comprising SEQ ID NO: 2 is also anticipated or obvious over the prior art. With respect to antibodies, each of the antibodies consists of a different amino acid sequence, and has a different binding specificity. A search for each of the antibodies would not be co-extensive with one another.

Accordingly, the polynucleotides and antibodies are thus deemed to constitute independent and distinct inventions within the meaning of 35 U.S.C. 121. Applicant is

advised that this is a restriction requirement and should **not** be construed as an election of species.

In response to this restriction requirement, applicant should elect:

a) one polynucleotide selected from the group consisting of SEQ ID NO: 1-29; and

b) one antibody that binds to a polypeptide selected from the group consisting of SEQ ID NO: 30-57.

9. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. ɜ 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. 1.48(b) and by the fee required under 37 C.F.R. 1.17(h).

11. The examiner has required restriction between product and process claims. Where applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of MPEP § 821.04. **Process claims that depend from or otherwise include all the limitations of the patentable product** will be entered as a matter of

right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

In the event of rejoinder, the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims will be fully examined for patentability in accordance with 37 CFR 1.104. Thus, to be allowable, the rejoined claims must meet all criteria for patentability including the requirements of 35 U.S.C. 101, 102, 103, and 112. Until an elected product claim is found allowable, an otherwise proper restriction requirement between product claims and process claims may be maintained. Withdrawn process claims that are not commensurate in scope with an allowed product claim will not be rejoined. See "Guidance on Treatment of Product and Process Claims in light of In re Ochiai, In re Brouwer and 35 U.S.C. § 103(b)," 1184 O.G. 86 (March 26, 1996). Additionally, in order to retain the right to rejoinder in accordance with the above policy, Applicant is advised that the process claims should be amended during prosecution either to maintain dependency on the product claims or to otherwise include the limitations of the product claims. **Failure to do so may result in a loss of the right to rejoinder.** Further, note that the prohibition against double patenting rejections of 35 U.S.C. 121 does not apply where the restriction requirement is withdrawn by the examiner before the patent issues. See MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carla Myers whose telephone number is (571) 272-0747. The examiner can normally be reached on Monday-Thursday from 6:30 AM-5:00

PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla, can be reached on (571)-272-0735.

The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

Carla Myers
March 20, 2006

CARLA J. MYERS
PRIMARY EXAMINER